



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

RCH:AXB/LAZ
F. #2022R01030

*610 Federal Plaza
Central Islip, New York 11722*

October 26, 2023

By ECF

The Honorable Joanna Seybert
United States District Judge
Eastern District of New York
610 Federal Plaza
Central Islip, New York 11722

Re: United States v. George Anthony Devolder Santos
Criminal Docket No. 23-197 (S-1) (JS)

Dear Judge Seybert:

The parties respectfully submit this proposed joint agenda for the status conference in the above-captioned matter scheduled for October 27, 2023 at 10:30 a.m.

- Arraignment on Superseding Indictment: A grand jury sitting in the Eastern District of New York returned a superseding indictment in this case on October 10, 2023 (the “Superseding Indictment”). The parties request that the Court arraign the defendant on the Superseding Indictment at the status conference.
- Modification of Bond Conditions: At the defendant’s initial arraignment in this matter on May 10, 2023, Magistrate Judge Anne Y. Shields entered an order setting conditions of release and appearance bond for the defendant. See Dkt. No. 12. Among other conditions, Magistrate Judge Shields ordered that the defendant must not have any contact with individuals whose identities were provided by the government to the defendant. Following the return of the Superseding Indictment, the government provided the defendant with the identities of additional persons that the defendant would be prohibited from contacting pursuant to the above-identified order. Because some of these individuals are family members of the defendant, defense counsel has requested that the defendant be permitted to contact certain of these individuals. Defense counsel agrees that the defendant will continue to be prohibited from communicating with these individuals about this case, the pending charges against him, the facts underlying the pending charges and any future court proceedings, trial or testimony in this matter. These restrictions do not apply to defense counsel. The government has no objection to this modification. Accordingly, the parties request that the Court modify the bond and advise the defendant at the status conference that he is

permitted to communicate with family members identified by the government, provided he does not communicate with them about any of the above-described topics.

- Production of Rule 16 Material: The government continues to produce discoverable material to the defendant on a rolling basis pursuant to Federal Rule of Criminal Procedure 16. The government made substantial productions of material to the defendant on June 27, 2023 and September 1, 2023 and will be making a supplemental production tomorrow. At this stage, the government has produced a substantial majority of discoverable material currently in its possession. The government will continue to collect, review and produce discoverable material on a rolling basis.
- Curcio Hearing: On October 20, 2023, the government filed a motion for a hearing pursuant to United States v. Curcio, 680 F.2d 881 (2d Cir. 1982), to address potential conflicts of interest arising from relationships between defense counsel and two individuals referenced in the Superseding Indictment. See Dkt. No. 51. The Court granted this motion on October 23, 2023. At the status conference, the government respectfully requests that the Court advise the defendant of the potential conflicts, conduct an appropriate Curcio inquiry, and determine whether the defendant waives these potential conflicts.
- Trial Date and Pre-Trial Schedule: The parties respectfully request that the Court set a trial date in this matter. The government anticipates that the presentation of its case-in-chief will take approximately three weeks. The parties respectfully request a trial date in May or June 2024, subject to the Court's availability. The government further proposes that, following the entry of a trial date, the parties will confer and then submit to the Court a proposed pre-trial schedule for motion practice, disclosure of materials pursuant to 18 U.S.C. § 3500 and Federal Rule of Criminal Procedure 26.2, disclosure of witness lists and exhibit lists, submission of proposed jury instructions, and a final pretrial conference.

- Next Status Conference – The parties respectfully request that the Court schedule the next status conference in approximately 45 days (*i.e.*, approximately December 11, 2023). The parties further respectfully request that the Court exclude the time from tomorrow’s status conference to the next status conference, to allow defense counsel additional time to review discovery materials and to discuss this matter with his client. See 18 U.S.C. § 3161(h)(7)(A) & (B)(iv) (time is properly excluded when the failure to exclude would deny counsel for the defendant or the attorney for the government the reasonable time necessary for effective preparation). The parties respectfully submit that the ends of justice served by such an excludable delay outweigh the best interests of the public and the defendant in a speedy trial.

Respectfully submitted,

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cc: Joseph Murray Esq. (by ECF)
Clerk of the Court (JS) (by ECF)